



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,791	11/03/2000	Ralf Martin	016906/0206	7498

22428 7590 11/25/2003

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
----------	--------------

3661

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,791

Applicant(s)

MARTIN ET AL.

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-12, 15-21, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Binder, 5841360.

1. Binder discloses an actuating drive(27); an electric circuit operatively connected to the actuating drive, wherein the electrical circuit comprises memory suitable for overwritably storing a subscriber number(14) and wherein the electrical circuit provides for both software and hardware coding of the subscriber number on lines 1-60, on column 7; a control section for inputting control commands to the electrical circuit(29); and at least one electrical cable connecting together the actuating drive, the circuit, and the control section, wherein the circuit is arranged remote from the actuating drive and from the control section (19); two mutually associated connector parts for connecting the circuit to the cable in figure 3; the connector contacts are located in plural planes and the number of connector contacts located in a plane is not substantially the number of planes in figure 3; the memory includes means for storing a subscriber number and a circuit comprising a component for setting the subscriber number on lines 37-48, on column 7; a means for overwriting the subscriber number with a new subscriber number

on lines 4-7, on column 7; the first subscriber number is stored in the memory at the time of production this is inherent, there must be something stored in the memory at the time of manufacture; the first subscriber number is supplied via the data bus on lines 10-13, on column 7; the component comprises a number of switched that are manually operable on lines 41-42, on column 7; and where the subscriber number can be set by means of at least one of the connector parts on lines 40-45, on column 7; and said at least one electrical cable includes a positive supply voltage conductor, a negative supply voltage conductor, and a data line(42, 38). Binder does not teach wherein two planes are provided and three connectors are arranged in each plane; and the memory is an EEPROM. It would have been obvious to one of ordinary skill at the time the invention was made to use an EEPROM have the three connectors in each plane because such modification is a design choice. One of ordinary skill knows the advantages of different memory types and the amount of conductors to use is dependant on the needs of the current system.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Binder, 5841360, in view of Lescourret, 5847976.

3. Binder discloses the limitations as set forth above. Binder does not teach the memory is an EEPROM. Lescourret teaches that the type of memory to be used is interchangeable on lines 24-26, on column 5. It would have been obvious to one of ordinary skill at the time the invention was made to use an EEPROM because it is a design choice.

4. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binder, 5841360, in view of El Ayat et al., 5698992.

5. Binder discloses the limitations as set forth above. Binder does not teach wherein two planes are provided and three connectors are arranged in each plane. El Ayat et al. teach that the number and arrangement of conductors is a design choice on lines 56, on column 7, through line 3, on column 8. It would have been obvious to one of ordinary skill at the time the invention was made to have the three connectors in each plane because such modification is a design choice.

6. Claims 22, 23, 25, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binder, 5841360, in view of Brenner et al., 6225769.

7. Binder discloses the limitations as set forth above. Binder does not disclose a flap in a heating system wherein the flap is operatively linked to the actuating drive and wherein the flap comprises a mixing air flap or defroster flap; and the actuating drive is a stepping motor. Brenner et al. disclose a flap in a heating system wherein the flap is operatively linked to the actuating drive and wherein the flap comprises a mixing air flap or defroster flap on lines 2-7, on column 5; and the actuating drive is a stepping motor on lines 25-29, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to control the motor and flap of Brenner et al. with the control system of Binder because such modification would allow the systems of the motor vehicle of Brenner et al. to be controlled by a intelligent, networked series of intelligent cells as stated on lines 40-45, on column 8, of Binder.

Response to Arguments


8. Applicant's arguments filed 9-9-03 have been fully considered but they are not persuasive. The addition of the limitation "provides for both software and hardware coding of the subscriber number" is not enough to overcome the prior art rejection. In Binder, software decides the subscriber number that is written in to memory(hardware). The hardware being used needs to be claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

BJB
November 14, 2003